

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BIGMOUTH, INC.,

Plaintiff,

v.

AUKEY INTERNATIONAL LTD.,

Defendant.

Civil Action No. 17-cv-10212-DPW

AFFIDAVIT OF MORGAN T. NICKERSON

I, the undersigned, Morgan T. Nickerson, declare the following under the pains and penalties of perjury:

1. I am Partner at the law firm of K&L Gates, LLP located at One Lincoln Street, Boston, Massachusetts 02111.

2. I am counsel for the Plaintiff Bigmouth Inc. (“Bigmouth”) in the above-captioned case and am a member in good standing of the Massachusetts bar.

3. I have personally reviewed the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (the “Hague Convention”). I have confirmed that China is a signatory to the Hague Convention. Based upon my review of the Hague Convention, it does not appear to expressly preclude service via email or electronic mean. In addition, according to Article 1, the “convention shall not apply where the address of the person to be served with the document is not known.”

4. I have also research whether the issuance of an order to serve process via email and electronic means pursuant to Fed. R. Civ. P, 4(f)(3) is contrary to or likely to offend the law of the People’s Republic of China (the “PRC”). I have located and reviewed an English-language version of the Civil Procedure Law of the PRC from chinacourt.org, a website

sponsored by the Supreme People's Court of the PRC. Chapter VII, Section 2 governs service of process. Based upon my review of the same, I am of the belief that the law does not preclude the service of process by email or electronic means and, in fact, allows for alternative service. For example, Article 84 of the law provides that when the whereabouts of a recipient is unknown, and cannot be served by other methods, service is permitted by public announcement, a method less likely than email to provide adequate notice.

/s/ Morgan T. Nickerson
Morgan T. Nickerson

March 8, 2017
Date